IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.6204 OF 2005

The State of Maharashtra ...Applicant
Vs.
Tukaram Govind Marathe ...Respondent

Ms M.H. Mhatre, A.P.P. for the Applicant.
Shri Anilkumar K. Patil for the Respondent.

CORAM : A. S. OKA, J.
DATE : OCTOBER 27, 2005.

P.C.:

1. Heard the learned A.P.P. for the State and the Advocate appearing for the Respondent. Prayer in this Application is for cancellation of bail granted by the learned Additional Sessions Judge by order dated 15th December, 2004. The learned A.P.P. submitted that looking to the gravity of allegations opportunity should have been given by the learned Sessions Judge in this case to carry out further investigation.

2. When the Respondent filed Application for Anticipatory bail, this Court permitted the Respondent No.1 to surrender before the appropriate Court and directed the appropriate Court to dispose of the Bail Application keeping in mind the fact that the Respondent will suffer serious prejudice because of detaining him on account of the service rules.

3. While granting Bail in favour of the Respondent, the learned Sessions Judge has imposed condition of attendance thrice a week. No averment has been made in this Application that the Applicant has committed breach of the said condition. There is also no averment that the Respondent has misused the liberty granted. Therefore, this is not a case where the bail which is granted on 15th December, 2004 can be cancelled. The learned Advocate appearing for the Respondent on instructions of the Respondent who is present in the Court stated that the conditions imposed by the learned Additional Sessions Judge will be strictly abided by. There is no merit in the Application and the same is rejected.

JUDGE